



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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CITY ATTORNEY RECOMMENDS COUNCIL APPOINT MAYOR PRO TEM

San Diego, CA: After the City Council returns from legislative recess on Monday, City Attorney Michael Aguirre is recommending that the first item on their agenda should be the appointment of a Mayor Pro-Tem, who would step in if current Deputy Mayor Michael Zucchet is unavailable to perform mayoral duties. In the event of such unavailability, the Mayor Pro-Tem would serve until a new Mayor is elected and sworn in either after the July 26 municipal special election or after the November 8 municipal special run-off election. A memorandum of law issued today by City Attorney Aguirre at Deputy Mayor Zucchet's request explained this succession process.

"We are navigating uncharted waters in responding to this request," said City Attorney Aguirre. "Neither the Charter nor the Municipal Code provides any guidance to the City Council on this matter. However, the Permanent Rules of the Council identify Robert's Rules of Order as the governing authority in these types of situations. "

Under Robert's Rules, the Council would select one of its members to assume the temporary office of Mayor Pro Tem should Mr. Zucchet be absent or otherwise unable to perform the mayoral duties.

In his memorandum, the City Attorney also confirmed that so long as Mr. Zucchet is a member of the Council, he will remain as Deputy Mayor until his one-year appointment concludes on December 31, 2005.

Mr. Zucchet will assume the mayoral duties when Mayor Dick Murphy's resignation takes effect at midnight, July 15th.

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